THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No: 26502 of 2005

Dt.12-12-2005

Between:

1. Polisetty Srinivas, S/o Chandra Rao, aged 36 years,

r/o Ramachandrapuram, East Godavari District and 7 others.

...PETITIONERS

AND

1. The Executive Engineer, Roads and Buildings Department,

Kakinada, East Godavari District and 2 others.

...RESPONDENTS

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No: 26502 of 2005

ORDER: -

The petitioners are allottees of shops constructed by Ramachandrapuram Municipality, the third respondent herein.

2. The grievance of the petitioners is that the respondents 1 and 2, the officials of the Roads and Buildings Department, are demolishing the shops obviously with the consent of the third respondent. They allege that the demolition is being undertaken with an oblique motive and that they would be deprived of their livelihood.

3. Heard learned Counsel for the petitioners, learned Government Pleader for Roads and Buildings and learned Standing Counsel for the third respondent.

4. Different things altogether would have ensued, had it been a case where the Municipality or Roads and Buildings Department proposed to demolish the premises belonging to the private individuals. In the instant case, the Municipality agreed for demolition of its own shopping complex for the purpose of widening of the road. No exception can be taken when the demolition is for the purpose of relieving the traffic congestion. It is true that if such a demolition is to result in detriment to the petitioners, they can make a representation to the third respondent for providing alternative places or shops, if available. The petitioners must be given breathing time for removing their belongings.

5. For the foregoing reasons, the writ petition is disposed of directing that the petitioners shall be entitled to remain in possession of the shops in question for a period of three weeks from today, to enable them to remove their belongings, but shall vacate thereafter. They shall also be entitled to make a representation to the third respondent for providing alternative accommodation or sites, if available.

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JUSTICE L. NARASIMHA REDDY

Dt.12-12-2005

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